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Peter S. Grosscup, et al. In Memoriam:
John Nelson Jewett, President of the
Chicago Historical Society, 1899-1904.

ILLINOIS HISTORICAL SURVEY



In Memoriam.

John Nelson Jewett

1827-1904.

In Memoriam.

John Nelson Jewett, LL

President of the
Chicago Historical Society
1899-1904.



Memorial Meeting

In the Lecture Hall of the Chicago Historical Society

February 29th, 1904.

A joint meeting of The Chicago Historical Society, Chicago Bar Association, and The John Marshall School, was held in the Lecture Hall of the Historical Society's Building, at eight o'clock on the evening of Monday, February 29, 1904, in honor of the memory of the Honorable John Nelson Jewett, LL.D., late President of said Historical Society, and Dean of said Law School. Memorial addresses were delivered by Hon. Peter S. B. Cup, Mr. Stephen S. Gregory, and Mr. Edward J. Connelley. On the stage, in addition to the orators of the evening, were Mr. Frank Asbury Johnson, President of the Bar Association, and Mr. Franklin B. Head, Acting President of the Historical Society. ♦ ♦ ♦

In opening the meeting Mr. HEAD spoke as follows:

Ladies and Gentlemen:

Mr. JOHN N. JEWETT, whose death, on January 14th, was the occasion for this meeting to-night of his friends and acquaintances, was one of the early members of the bar in Chicago, and he was at the time of his death, the able and efficient President of the Chicago Historical Society. He was also a man of much public spirit, a prominent leading member of the bar, and a man interested in all public affairs. The Historical Society decided that it was proper they should hold a memorial meeting, and when the matter was decided it transpired that the Chicago Bar Association and the John Marshall Law School, of which Mr. JEWETT was the Dean, would also join in the occasion, and make it a memorial meeting for both associations. We shall, therefore, this evening have the pleasure of listening to people who have known Mr. JEWETT in various walks of his life, with his public work, and as a member of the bar, and as a member interested in the law school; and we shall thus have a presentation of a many-sided man, who had lived among us, and was highly honored by people in various walks of life.

We shall first have the pleasure of listening to Judge J. C. CUP, who speaks of his acquaintance with Mr. JEWETT, then to STEPHEN S. GREGORY, who represents the Bar Association, and then to Mr. EDWARD T. LEE, who represents the John Marshall Law School.

I have the pleasure of presenting Judge GROSSCUP.

ADDRESS

..BY..

Hon. PETER S. GROSSCUP.

old he came with his parents to Wisconsin. This country was the northwest. It was as new and as undeveloped as the northwest, Oregon and Washington, are to-day. Chicago had fewer people then than Seattle has now; Milwaukee as few as Tacoma. Across these great prairies and throughout forests of pine and oak, gemmed with lakes, there had been heard the stirring whistle of the locomotive; nor had been felt the vibrations of the electric telegraph in this far west corner of the then civilized United States.

Two years later, Mr. Jewett returned to Maine; entered doin College as a sophomore; and, in due course, graduated teaching school for a little while in the east, he came back to the west, and, studying law, drifted into Galena, which at that time was the center of the lead industry. A few years later he came to Chicago, with that group of Galenians, including Gen. Charles Russell Jones, Judge Drummond, and others; men who were giants in the industrial and professional development of Chicago.

Mr. JEWETT had been in Chicago four years when, from the Wigwam in Franklin Square, there burst upon the world the name of Lincoln. Presumably he was there and saw that dignified convention; and doubtless, later in life, wondered at the miraculous providence that out of that gathering had picked this name and made it one of the two first in America, and the first in the annals of the world.

He had been in Chicago fifteen years when from the West the little flame came that, sweeping the business district of Chicago, crossed the river to the north, and, like a merciless swinging firebrands, destroyed the city of the Lake. He was one of those who, the morning after, looked into the face of his neighbor for hope, and the second morning went to work to rebuild the city.

He had been in this city thirty-seven years when the World's Exposition, like a celestial visitor, broke into our sky horizon. He witnessed that splendid reproduction of all that is great and glorious in architecture, past and present. He carried with him, not only through the remaining years of his life but into the life to which he has just gone, a picture that made the streets of Heaven themselves look familiar.

He had been in this city forty-eight years when for the last time he went away. He held no office, except a term as State Senator. He filled no great public station. His life was that of a lawyer and of a citizen. It can be summed up in these five words: husband, father, lawyer, Christian, man. But in five words as these are gathered all that is great and glorious and lasting in any life.

of peculiar scope and universality. In that life no one another. In one his work is in a case involving, pertinent right. The mechanics of a great machine, or the elusive electric energy must be studied and mastered. Now through all its intricacies that mysterious force that wheels of our street cars, carries motion from Niagara on spindles of factories, lights this hall and these great sends messages from men to men through the air and seas. The next day his work is in a personal injurying up the whole field of surgery and medicine. He knows what the physician knows. He must in one respect, possess the physician's knowledge, for he must translate into the layman what the physician is content to know of his own profession. The next day his work is in a case. Here the whole sphere of moral forces opens up. He must master the heart and the mind of mankind, the forces that spring men to action, the weaknesses and moral palliate action. His next work may be in a customs case where he studies the classification of fabrics, of woollens, of silks, of the feathers worn in the hat, of the things that make up the garments we wear and the foods we eat. And in each of these studies, and his next day of the myriad of other things that life is filled with, the lawyer must not, in the things studied, become wholly apart from them, each and all, he must stand so far away that he can see them in their relations to the other interests of life, but yet so near that no detail escapes him. Like the architect he builds thought structures—visualizes ideas—here the lawyer sees the beams, about them the sustaining walls, over them the vaulted dome; but in no one detail so bound up that he loses the total vision, at all moments, fit them together, that the whole may be as perfect and symmetrical as each component part. To do this requires a mental temperament that is rare—that can be here and there, in the midst of things and far from them, at the same moment. The law, as a system, is the structure of civilization. It is the fitting together of every part, making all move symmetrically and in harmony. It is the unifying force that holds the sum total of interests together, the symmetry of life; and the lawyer who reaches the consummation, comes nearer than any one else to what we call universal genius. To almost as great a degree as any man of the past, JEWETT possessed this genius of the lawyer.

a master of detail. He let nothing escape him. I re-

tried, before judge and jury, the issues of that complicated case. During all that time, when the Judge was at home in the study at rest, when the jury and the lawyers on the other side were at attendance on the theatre, all recuperating from the heat of the day past, for the hard work of the day to come, Mr. JEWETT kept me, his young associate—somewhat rebellious I feared—working in his room, going over the material, unravelling the threads, sifting out the facts that on the morrow, and on the following day would be woven into the cause before the court. He was a master of details; but he was more than a mere master of details. He had the power of putting details together, of co-ordinating them, of bringing life and motion out of them, that made the case in his hand a real case, a deserving case, a case that won because it deserved to win.

Mr. JEWETT knew how to present a case. There are many men in the world who feel the right and feel the wrong, but can not give it any intellectual expression to this feeling. They have the conviction but not the glass of analysis through which conscience can see itself. They are what we usually call right-minded but not right men. They rule often through pure force of conviction.

There are other men, many of them in our profession, who know the right intellectually, and the wrong intellectually, but not the right and wrong. They are without conscience of their own. Right and wrong are to them mere abstractions. To such no argument that is plausible is available. No consideration of consequences is aside as unfit. They will press every argument at hand; and will press one as confidently as the other.

Mr. JEWETT combined the intellect that could see, and the conscience that felt. His heart spoke to his brain, and his brain translated what his heart said. There were thus given to him the sense of proportion, and the feeling of conviction, above the powers of the conquering powers behind the great lawyer.

Mr. JEWETT had the talent of brevity. He wasted no time in mere words, nothing in ornamentation, nothing in flower of language. He was a skilled carpenter in argument. He carefully selected his first, and then drove it home; and he hammered not a stroke until it was driven home. He did not sit down until his case was finished; but when his case was finished he sat down. He said every word that his client was entitled to have said; he used no word that the court was entitled not to have wasted. He was a lawyer this—a rare man, supreme in his profession, without any other reputation, but steadfastly placing his life on the solid foundations of the men who do mankind some real service in the cause of justice throughout the world.

That, I have no doubt, he was also, believing in atonement, in the divinity of Jesus, in the plan of in the salvation of mankind. But I speak of him as its broader sense. I speak of him as such a christian n be, such a christian as a follower of Confucius can ristian as Huxley and Darwin were. For, after all, ressive quality in the life of the great character that wn to us under the name of Christ is his gospel of ce! Justice! The divine capacity that taking you out places you rightly among your fellows, so that you may with all, yourself and your fellows. Every parable t the mouth of Jesus is a chapter out of this book of very act recorded of him, every word spoken by him. postle of justice. The christian era has progressed, its ened and deepened, more and more taking hold on their history and shaping their civilization; but all er as cause or effect I need not inquire, it has de- ankind a deeper, wider, more abiding sense of justice, more than any gone before, the age of justice. d has had its great painters. They came in a group, Vatican, and the galleries of Europe and America, they essage to our souls. The world has had its great com-, too, came in a group, and we are stirred to this thought by their great harmonies. In groups, too, ld's great literary lights, lights to which we turn back dows of mediocrity oppress us. We have no Raphaels nael Angelos, no Titians; we have no Mozart nor we have no Shakespeare, no Bacon, no Molière, But we have what they did not have— age tyranny trampled under foot the rights of man respected little the rights of his fellowmen—we eciation of justice; that justice that reaches all and ne growing realization of Christ's human message and

err was, in his human way, a disciple of justice. He He lived to bring justice about. He asked for his g that he believed unjust. He loved his profession, be- reme, paramount purpose is to promote justice. He mbers of the profession who trampled justice under winked it, or sought to lead it astray. His life is an ooth community and profession, of how great a man will devote himself to his ideals of a just administra- w.

of it on spire and dome as throwing out the command: "Others as you would have them do unto you." I like to look at it as the color-bearer of civilization against its foes. I was more during the recent great fire. With my friends I went Sunday night from their home, in the northern portion of the city to the south, where the fire was burning. We passed on the College of Loyola, the building itself sunken out of sight in the banks of the surrounding darkness. But above the college, in the reflecting light of the great fire, was its gilded dome. We could see nothing, not even the tower, to which it was attached; it looked suspended from Heaven—a gleaming cross hung over the dwellings of the city.

We went into the district where the fire burned. It burned in the south and pushed northward until the feet of the Cathedral of Saint Paul and the Cardinal's Cathedral were almost reached. Beyond lay the thirty thousand roofs of the city, and underneath a hundred thousand children asleep. For a moment the fire paused to crouch and lick their jaws, as if eager to spring upon them. Then they looked up and halted. Before them, like a vigilant habitanant of the skies, was the suspended cross, saying, as a messenger from above: "Not here! Not here!" To the eastward where wealth had piled itself up, not in dwellings, but in commercial structures, the fire turned. One by one the great granite walls were scaled. Like a thousand besiegers, the flames broke at the windows; and like ten thousand broke out again at every door. They leaped from floor to floor; they massed in legions on the roof, crushing them to earth as giants would crush houses of paper. At a moment the wind shifted a little to the south; and a moment of suspense it was, for in that change the north was again threatened by the track of the flames. But still gleamed the cross, and it said: "Not here! Not here!" Factory after factory, storehouse after warehouse, the angry flames licking the wharves to the water's edge. But the dwellings of the city, their sleeping children stood untouched. Over them remained the suspended cross, until the waves of fire were swallowed up in the waves of the sea.

Wherever the fires of disorder burn, wherever human wickedness reaches out with its forked tongues, over home and over liberty and property, like the cross of Loyola, the emblem of justice, speaking through the law, and the sermons of the law, these words of command: "Not here! Not here!"

ADDRESS

.. BY ..

Mr. STEPHEN S. GREGORY

OF THE

CHICAGO BAR ASSOCIATION.



gaged in such an important work in this community, should
to notice in a becoming manner, the death of its late Pres

Man differs from the lower orders of creation very little
that he remembers and records. It is the high office of this
tion, not merely to gather and preserve historical material
formation, and to stimulate and encourage original investigation
research in this great field, particularly as to that imperial
domain of which our city is the capital; but to promote
public interest in the study of the interesting and romantic
of this region. I am confident that the people of this city
appreciate this work and have a deep sense of its importance
permanent value.

And it was a graceful and, I think, appropriate courtesy
is, I am sure, not unappreciated by those to whom it was
to invite the Chicago Bar Association and the profession
of which Mr. JEWETT was the Dean, to participate in the
of the evening.

Designated by the Bar Association to speak for its members
this occasion, I need hardly say here that there has never
member of our bar who more fully illustrated in character
ments and extended professional experience, all that is
highest in our professional life, than did he, out of respect
memory we have assembled to-night.

Appearing as the representative of an association of lawyers
is my purpose to speak of Mr. JEWETT in his capacity as
and not to attempt an extended memorial minute, such a
doubt, prepared by some more competent hand, find permanent
upon the records of this Society.

It is now nearly fifty years since Mr. JEWETT entered
practice of his profession in this city. During this period
has grown from a small community of less than 100,000
a mighty metropolis of over 2,000,000. In 1856 there was
city in the civilized world as large as this city now is; and
it may be doubted whether the population of London, at
was very much greater than that of Chicago to-day. In
this period of our city's unparalleled growth and development
JEWETT steadily maintained his position and leadership in
front rank of an able and accomplished bar.

His practice was extensive and eclectic. He never
nor contracted the native breadth and vigor of his mind
ing any special line of professional work; a method often
employed by those seeking to evade the traditions of a profession
which does not countenance advertising.

No interests were so important that those in charge
ated, where legal controversy arose, to seek his counsel
nal service, in the fullest confidence that whatever
ad would be protected and maintained—*per fas*, how-
per nefas.

a fact that although for many years Mr. JEWETT repre-
rgest interests, often in desperate legal controversy,
ounts at stake were so great and the questions in-
ortant, as to tempt some men, thus concerned, to win
y means, I have never heard it even whispered that
these great forensic battles, except by fair and honest
open as the day. He was not even, so far as I have
etained because a case happened to be pending be-
lge with whom his personal acquaintance or influence
posed to count for something.

n, was one, perhaps the most commanding and ad-
of his strong and rugged character; an integrity as
ending as the granite hills of his native and ancestral
l.

n the law he was absolutely impersonal. A man of
education, of logical and exact mind with reasoning
ly developed, and, as time went on, trained by long
was to him one of the exact sciences. He did, indeed,
power of the courts to decide cases; he did not ad-
could make law. He, therefore, addressed himself to
of a legal proposition as he did to a problem. in

The questions presented were questions to be de-
n intellectual process approaching demonstration. Be-
ersonal, absolutely devoted to his client's cause, and
less and independent, if, either on petition for re-
herwise, he deemed it his duty to review a judicial
inion, he did so with some thoroughness. He did not
ranchise, dullness nor incapacity because he found such
almed in the sancity of judicial expression.

ked such judicial errors with the utmost candor, but
ly no personal malice or hostility toward the judge or
ible for them. He has himself said both publicly and
t occasionally judges have seemed to be somewhat
such criticism. But I am inclined to think such a
oar is salutary; and we must record his absolute fear-
professional independence as among his conspicuous

ty to his clients was equally pronounced. This is in-

legal rights of another, he owes to him, *pro hac vice*, an allegiance. No suggestions of self-interest, no popular *ardor prava jubentium*, no merely personal considerations of nature can be permitted to induce him to abandon his ret in anyway affect his professional conduct.

In this regard Mr. JEWETT's standards and professional conduct were above reproach; and, indeed, I may sum up the matter by saying that in all these particulars he stood, during his long career at this bar, a bright exemplar of the best traditions of the profession.

Another marked trait of his character was conservatism. He stood fast upon the ancient ways and deprecated the reforms. He respected the ancient landmarks either of the law or of society.

Time does not admit of any extended notice of the most interesting and important cases in which Mr. JEWETT was called upon to appear. There is no lawyer now at this bar who has appeared in so large a number of historic cases, both in the Supreme Court of this state and of the United States, as did Mr. JEWETT in his remarkable professional career. He never, so far as I know, participated in criminal practice at all, and for many years he tried cases before a jury.

Indeed, it is not the custom here, although it seems to be in England, for the great leaders of the bar to appear much before juries. I think possibly Mr. JEWETT did not feel the great confidence in these tribunals; and it is true, juries in general are frequently not quite what they should be, as indeed may be seen in almost every institution of local government in such countries.

It was in his arguments to a court, and especially at the last resort, that Mr. JEWETT particularly excelled. Of commanding presence, dignified yet courteous, with an attractive voice and discriminating literary faculty and never appearing without thorough study and preparation, his arguments were always impressive and were invariably received with great consideration. His industry was unrelaxing and should be noted as one of his characteristics.

His efforts in the domain of constitutional law were particularly noteworthy. Were I to select any, I think perhaps I should mention *Munn v. Illinois*, 94 U. S., 113; *Illinois Central R. R. Co. v. Illinois*, 146 U. S., 387; *Counselman v. Hitchcock*, 142 U. S., 547, the most striking and important cases in which he was called upon to appear. The first involved the right of the State of Illinois to regulate the charges of elevator proprietors and was a pioneer case in that department of the law; the second was the familiar Lake Front

self. They are all instructive and leading cases in institutional law and will long be studied by the professional consideration of the great questions to which they

these cases Mr. JEWETT bore a responsible and conspicuous part, and his arguments were entirely worthy, not only of the court to which they were addressed, but of the important questions involved.

JEWETT was not a politician nor an office seeker. He served the State Senate many years ago. He belonged to that distinguished class of men who believe that the office should select the man and not the man the office; that the convention should select the candidate, not the candidate select the members of the

of the misfortunes of modern politics and American history, that, with occasional exceptions, sufficiently numerous to not overthrow the rule, men of the first order of ability get into the public service. The leaders of the bar are found upon the bench. Our great lawyers, merchants, and manufacturers are infrequently found in public office; as if the national, state and municipal governments were the operation of some mysterious law of politics, commanding the services of the ablest men; men who, in their various careers, display the most varied and conspicuous talents.

JEWETT would have adorned almost any station in public life on all official occasions, but not upon his own motion, his name was not called by those high in official position, for important and delicate duties. But the strange law to which I have referred seems every instance to operate to his exclusion from public life. It is true that his interests were more strictly professional than public and general. It is certain that in all matters of honor and dignity of the profession, his interest was paramount; and that to the diligent pursuit of that profession he devoted his energies and talents with a fidelity that was un-

one of the founders of the Chicago Bar Association. A meeting of the lawyers of this city met at the rooms of the Chicago College in November, 1873, and signed a paper agreeing to forming such an association. Mr. JEWETT's name was one of the signers, a fact which speaks much for the regard in which he was held by his professional brethren at that time. This sentiment induced the promoters of this im-

It is trite, but none the less true, to say that he was citizen, a kindly, agreeable neighbor, an upright, conscientious and public spirited man. All these he was. *Fuit Illi* has gone from us never to return.

In the memory of such an honorable and useful life, much of inspiration for all and much of comfort and of comfort for those who loved him.

In the contemplation of death, the last inevitable tragedy, the mournful refrain of the great pagan emperor and philosopher comes echoing down the ages: "And then we all die so. All too soon the good, the wise, the brave, the loyal.

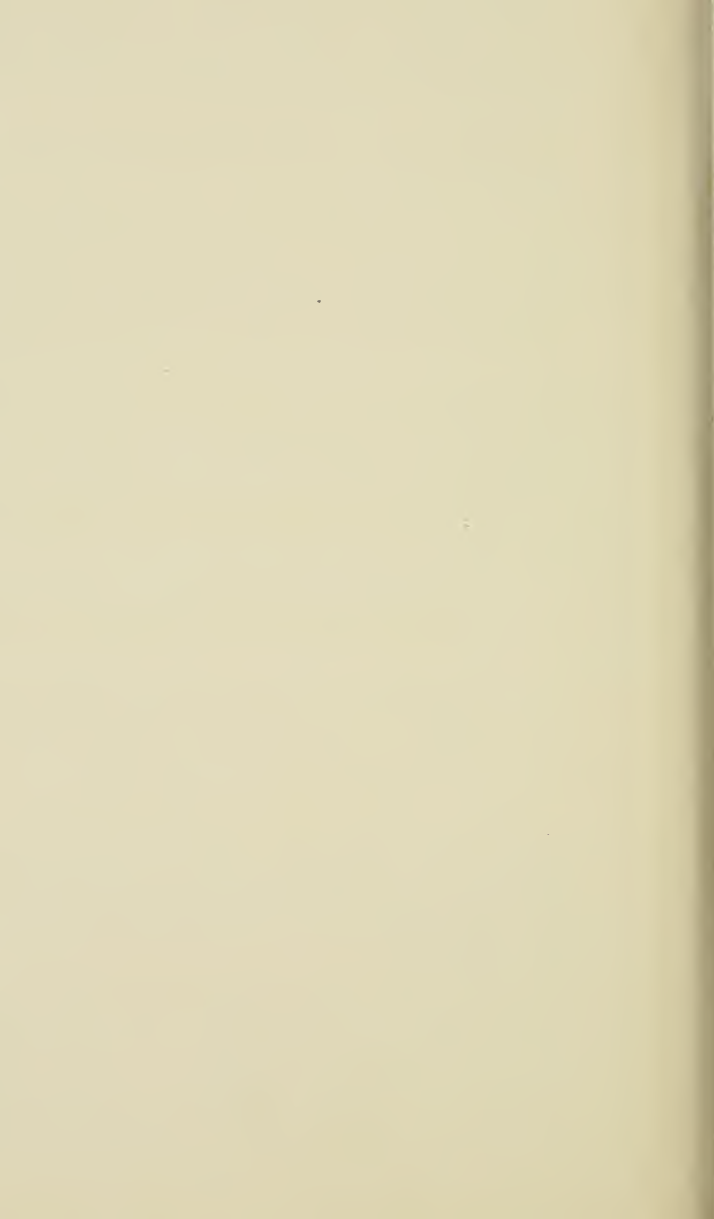
Yet virtue, wisdom, courage and fidelity die not with them. The good they do lives after them. The race moves on, sometimes and even with apparent retrogression, but ever upward to eternal progress, to the achievement of those high ideals and standards which God has implanted in the hearts of men. The world goes forward and not backward; humanity grows better, not worse, and though men be mortal, man is not.

In a tone perhaps too hopeless we hear the voice of the

"And fear not lest Existence closing your
Account, and mine, should know the like no more
The Eternal Saki from that Bowl has pour'd
Millions of Bubbles like us, and will pour.

"When you and I behind the Veil are past,
Oh, but the long, long while the World shall last,
Which of our Coming and Departure heeds
As the Sea's self should heed a pebble-cast."

But no spirit of oriental fatalism dominated the life of the man whom we here commemorate. His was an active, busy and useful life; and his professional associates will always remember him not only as a great lawyer, but as a high type of all those men which have contributed to the traditional glories of a learned and noble profession.



ADDRESS

.. BY ..

Mr. EDWARD T. LEE

OF THE

JOHN MARSHALL LAW SCHOOL.

was Dean at the time of his death, I desire to thank the Chicago Bar Association in paying common tribute to his memory.

To use words of his own, uttered of Judge DRUMMOND on a like occasion to this:

"I assume we are here not to grieve over his departure amongst us, but to speak and hear something in commemoration of his life and the work he accomplished; to rejoice over the fact that he once lived rather than to mourn over the fact that he is with us now."

It was in the evening of his life when I first became acquainted with John N. JEWETT. He had reached three score years and with faculties unimpaired, form erect and strong, with intelligence keen and active. At that age the general run of men, who at those years, are averse to assuming new tasks, preferring rather to lay aside the accumulated duties and affairs of a life-time, to seek well earned leisure and repose. After the stress of business, the companionship of friends and the enjoyments of home life more attractive, and the circle of public interest narrows. At the cheerful fireside, with a favorite book, they willingly "shift in the lean and slippered pantaloon," "the world forgetting," if not the world forgot."

But at seventy Mr. JEWETT was old only in years; and the proof I can adduce of this is the readiness with which at that age he took upon himself a new task; one which could add no honor nor dignity to a career so distinguished; which could gratify ambition nor hold out prospect of tempting emolument; a task that required preparation in an untried field and an adjustment of himself to novel conditions; that meant arduous evenings and months, extending during the winter season, at the cost of personal comfort and social engagements. In 1899 Mr. JEWETT accepted appointment as Dean of The John Marshall Law School, as Lecturer on Constitutional Law, involving the delivery of twenty more lectures each year before classes of evening law students.

What could have prompted a man of his achievement and assured standing in the profession and community to undertake this work, which he carried on during the last four years of his life? The answer, I think, is to be found in one of the crowning tributes of Mr. JEWETT's character, an attribute to which, I think this honorable Society is also indebted, his disinterested public and self-denying service.

In this new work his penetrating vision saw an opportunity to inculcate in the minds of future lawyers his own cherished v

and additional to, that possible to a practicing lawyer. himself to this work he gave fresh proof of the generous spirit that has ever characterized the highest legal profession. It was an inspiring sight to see this old bar, a veteran of many hard fought battles, mellowed with undiminished interest in the interpretation of the law in teaching young men. Who will say it was not a fitting end to crown his life-work?

no perfunctory discharge of duty. He went at the same thoroughness and conscientiousness for which he was known at the bar. He came before his classes with studied lectures, carefully written out in his own neat hand, and gave to their delivery as much enthusiasm and earnestness as he brought to a cause before a Supreme Court. At first Mr. Brewster was diffident as to his fitness for a lecturer and as to the good he could do to law students, and also, indeed, as to the necessity of an evening school. He had never before been a school teacher. When, however, he became acquainted with the students, and found that almost without exception they were young men who were making an unaided struggle for education similar to what he himself had made to secure education, his interest in them and in the School increased. He believed these young men had in them the material for worthy lawyers and citizens, and were deserving of the education obtainable.

Brewster's work at the School covered two courses—one on the history and development of the common law, the other on constitutional law. He much preferred the latter topic, regarding the former as our present knowledge, as somewhat speculative. He followed the lead of Holmes on some basic principles, and considered Pollock and Co. as working largely in the field of theory. However, those who heard his course on the common law will not soon forget the dramatically interesting and instructive introductory lecture in which he described the providential manner in which the common law has been preserved, even from Marathon to Agincourt, for the development of a superior civilization and an enlightened form of self-government. His knowledge of general history and of the philosophy of law was intimate, exact and profound.

It was in the domain of American constitutional law that Brewster felt himself most at home. The science of government as it is carried out by law, was the topic that drew on his richest recollections of the causes and events that led to the establishment of

shared Gladstone's estimate of its human perfectness, but he recognized what the English statesman seemed to overlook, that it was the product of centuries of growth. It answered exactly to his definition of a constitution—"an epitome of the principles on which a government is to be conducted." When he came to treat of our state Constitution he could not forbear contrasting it most unfavorably with the national Constitution. He condemned the general practice of incorporating mere legislation into a constitution, and his contention in the great case of *Munn v. The People* would lead to expect.

These lectures afforded Mr. JEWETT wide scope for observation and comment on current tendencies in political and social life. He availed himself freely of his opportunities. He was an American, not merely in birth, but in every fiber of his being. He believed in individual freedom, in the right of private contract, in representative government, in a government of law. With him government meant control—not arbitrary or rash, but wise, firm, and majestic. He had no sympathy with mad-caps in office or with hare-brained publicists or preachers of a new social dispensation. He believed that human society had always needed and always would need some form of coercive government. To him institutions were necessary and, indeed, beneficent concomitants of civilized government, and he appealed to every-day occurrences in support of his contention. He viewed with apprehension the present unrest under legal restraint so manifest in our day; but his life, running back before the Mexican war, recalled to him many disturbed conditions equally portentous in their day, and he was no alarmist, feeling certain that the law would in the end vindicate itself and bring men again beneath its sway.

But always in his criticisms of policies and events he was unprejudiced, without bias, and without a trace of partisanship. Though he had been a very prominent lawyer for more than three generations, conspicuous in celebrated cases, he never even in talking of principles involved in such cases, obtruded his connection with them. *Pars magna fui* was never on his lips, however naturally the thought might have been in his mind—certainly an exceptional trait in an elderly man. He was not intent on making his classes think as he thought, but in having them think, and think accurately. He felt that each student was, or some day might be, a center of influence in the community in which he might live, and that it was all important that he should be taught to draw his conclusions logically. His lectures were not without a dry humor.

many instances, recognized his manly traits and showed accordingly, and their never failing applause plainly. They found his candor and fairness a lesson in themselves. No student can ever say that he held out the law as a profession except to the high-minded and brave-hearted. One could see and hear Mr. JEWETT at this time without a guess that he was in the presence of no mediocre person. From a remnant, a scientist can rebuild an organism, and from remnants of a man's life, it is not impossible to reconstruct a life. And of John N. JEWETT at this period, an intellectual could justly say, "Here is a man who has led an intellectual and intellectual life, whose will-power has been effectually employed, whose mind has been carefully varied by erudition, and disciplined through long years in the study of a technical and learned profession, yet a man who was always entirely human, simple in his tastes, democratic in sympathies, of good-will to his fellows, and a gentleman." It was as luminous of his character and was an index of his life. He came not by that genial countenance, dignified bearing, and kindly disposition all at once; for as no man by willing to add a cubit to his stature, so none can become in his old age what he *is*, refined, well-poised, and benevolent. Old age is the truer test of a man's real character and disposition, and in Mr. JEWETT's life proved the truth of what he once said:

"Moral and intellectual qualities of man belong to his being, and it is through them that an approximation to perfect character may be obtained."

What remains to us of this useful, noble and generous man's common fate of the lawyer is his. Forty thick volumes are an incomplete collection, for Mr. JEWETT lost all his papers in the great fire—bear silent testimony to the extent of his practice and to his immense industry. They contain hundreds of cases, many of historic importance, nearly all from Federal Courts, not a few in the Supreme Court of the United States, where he appeared before his old college-mate, Chief Justice Roger Taney, while another college-mate of old Bowdoin, Senator Charles Sumner, was presiding over the United States Senate. No one could read with Mr. JEWETT's style of language and thought one of these briefs without finding the man there. What hours of study, investigation, and hard thought, went into the preparation! What novelist or literateur ever put the same mental tissue into his works? Yet the novelist has fame

his practice. His sign may hang in place for a while, but is mislaid. A dead lawyer draws no clients. With him dead all, at least so far as things outward go.

But to say nothing remains of this life would bespeak a shallow philosophy. Those forty volumes of briefs were not written in vain. Their thought entered into the thought of the judges who heard the cases, modifying or enlarging their opinions, and becoming embodied in the decisions of the courts and into the law of the land. They may not be read by any one again, but they have done their effective work, and our notions of law to-day are largely the result of them. He will live in the love of his family, in the grateful memory of his clients, his neighbors and his country. His lectures will not be heard again, but there are those present at the evening who will treasure his honest advice and teachings while the books they now read are forgotten. The living voice recovers more imperishable impression sometimes than the printed page.

These things in themselves were worth living for, but they are not the only reward of the noble soul we knew. We can say of him, as he once said of another :

"Although dead he is not lost to the world. His example and the results of his labor survive him. The achievements of his life, his hood, quietly, consistently and honorably wrought into the fabric of our life, still remain, and will continue potent influences for good, to which limitation laws have no application."

Surely of JOHN N. JEWETT we can honestly say, in the words of Carlyle, "When he departed from us, he took a man's life with him."

MEMORIAL

ADOPTED BY THE

EXECUTIVE COMMITTEE

OF THE

CHICAGO HISTORICAL SOCIETY

MARCH 1, 1904.

At the regular meeting of the Executive Committee of Chicago Historical Society, held on March 1, 1904, the following was presented:

"To the Acting President

of the Chicago Historical Society.

MR. PRESIDENT: Pursuant to your request, and on behalf of Executive Committee, I have prepared, and now submit for action, the accompanying brief memorial of Honorable JOHN NELSON JEWETT, LL. D., late President of this Society.

Respectfully,

S. H. KERFOOT,

"The memory of JOHN NELSON JEWETT has been publicly formally honored by oration and eulogy. The community in which for half a century he had been an eminent and an honorable citizen has attested the height of esteem in which it held him. The Chicago Historical Society, whose President he was, the Chicago Bar Association, whose President he had been, and The John Marshall Law School, of which he was the Dean, have eloquently voiced their respect for him in this Society's Hall, where with his modest dignity and grace he had so often and so recently presided.

"It is now our privilege, as those who were perhaps closest to him in this work of his latest years, to pay the last and most fitting tribute of affection, and to spread upon our records the expression of honor, until the pen of some gifted writer may adequately chronicle the life and character of him who has passed from our daily sight.

"It is hard to speak of Mr. JEWETT in the past tense.

"So impressive was his personality, and so vivid is his picture in our minds, that with difficulty we realize his absence is to be longer than for the day, and that the rich tones of his majestic voice will henceforth but echo through the infinite silence.

"When after much urging, he with diffidence accepted the Society's presidency, his heart warmed to the work, and none of his predecessors was ever more devoted to its welfare, none labored more zealously, in season and out of season, in its behalf. His vast treasure of intellectual strength, of legal acumen, of

of his presidency he called this Committee together for the Society's work sixty-four times. It had not been so often as in the preceding twenty-five years! What more eloquent proof could there be to his unselfish devotion, his untiring grasp of detail, and his aggressive leadership in shaping, and directing the duties devolved upon him and his Committee.

He found the Society dormant, its finances disturbed, and its work in chaos; he left its work systematized and in active progress, its trust funds intact and productive. The disaster which had befallen at the beginning of his presidency has yielded to his leadership, and solvency and prosperity have been established in its place. While he was justly proud of these results, he disclaimed all credit for their accomplishment. The reward of his labors was the peace he achieved.

With the strength and bravery of a giant, he was modest as a child, gentle as a woman. The glove of velvet adorned, but the hand was of iron. Stately in bearing, courtly in manner, masterful in affairs, gracious in his simplicity, he won the respect and admiration, and the affection of those who were privileged to know the Man.

His presidency brought honor to our name among the historical societies of the world.

Those who knew JOHN N. JEWETT best loved him most, and he has the chief right to mourn; and we who sat at his feet and saw him at his hands in this work, and who gratefully remember the honor and praise which he officially bestowed upon us, claim it our duty to spread upon our records this too meager tribute to his life and work.

MOTION FOR ADOPTION:

On motion of Dr. SCHMIDT, seconded by Mr. FULLER, i

"RESOLVED, that the Memorial as prepared and read
KERFOOT be adopted and spread upon the records of our
ings;

"RESOLVED, also, that a copy thereof, engrossed upon p
by the Society's Record Clerk, and suitably bound, be pre
Mrs. JEWETT."

FRANKLIN H. HEAD,
Acting

THOMAS DENT,
Vice-

EDWARD E. AYER,
JOSEPH T. BOWEN,
WILLIAM A. FULLER,
CHARLES F. GUNTHER,
SAMUEL H. KERFOOT,
LEVI Z. LEITER,
GEORGE MERRYWEATHER,
OTTO L. SCHMIDT,
Executive C

JAMES W. FERTIG,







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